IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO.377 OF 2006

Lalbahadur Rajak ...Petitioner

vs.

The Estate Officer and Anr. ...Respondents

Mr.R.P.Singh for the Petitioner
Mr.G.Hariharan with Mr. N.R.Prajapati i/b Dr.T.C.Kaushik for the Respondents.

CORAM: A.S.OKA,J.
DATE : APRIL 30,2007.

P.C.:

1. Heard Advocates for the parties. The allegation is that the Petitioner was dispossessed by the second Respondent in breach of order of stay passed by the learned Principal Judge of the City Civil Court on 26th September 2006. It was pointed out that the letter dated 27th September 2006 issued by the Advocate for the Petitioner to the Respondents was received at 10.15 a.m. on 28th September 2006 and on the very same day in the afternoon, the petitioner was dispossessed.

2. An Affidavit has been filed by Shri Y.N.Mohammed, the Assistant Superintendent of Post Offices, Mumbai City North Division stating therein that on 16th April 2007 the Petitioner has been put in physical possession of the premises in question. There is a separate Affidavit filed by Shri S.M.Gadekar, a Office Superintendent in the office of the

Principal Chief Postmaster General, Maharashtra Circle, Mumbai by which an unconditional apology has been tendered. The learned Advocate for the Petitioner accepted the fact that the Petitioner has been placed in possession. It is obvious that the Petitioner has been placed in possession subject to final outcome of the Appeal pending before the learned Principal Judge.

3. In view of the aforesaid subsequent event and the apology tendered, no further steps are required to be taken. Notice issued against the Respondents is discharged. Petition is disposed of.

JUDGE